

INDIANA PUBLIC DEFENDER COMMISSION

MINUTES

December 11, 2002

At 3:25 p.m., Chairman Lefstein determined that a quorum was not present. Present were Commission members Representative Ralph Foley, Monica Foster, Bettye Lou Jerrel and Senator Tim Lanane. Les Duvall joined the meeting at 3:28 p.m., establishing a quorum. Also, present were Larry Landis, from the Public Defender Council, and Tom Carusillo.

1. Minutes from the September 4, 2002 meeting were reviewed and approved.
2. Chairman Lefstein then discussed the interviews conducted for a new staff attorney. The Commission concluded it would look for additional candidates. The Division of State Court Administration will run an advertisement.
3. Tom Carusillo reported that Lawrence and Morgan Counties had made inquiries about participating in the program. It was also noted that Orange County was considering changing from a case-by-case assignment system to a contract system.
4. Chairman Lefstein next discussed future projects for the Commission. These included preparing reports on the status of how indigent defense services are actually being handled in participating counties, a review of the Commission's non-capital standards and a review of Criminal Rule 24 in light of the soon to be adopted new ABA standards.

It was suggested that Criminal Rule 24 standards might not be working as effectively as thought by the Supreme Court

5. The Commission approved reimbursements in capital cases as follows:

| COUNTY | DEFENDANT | | TOTAL |
|--------------|-----------|--|---------------------|
| Greene | Leone | | \$2,063.75 |
| Knox | Whipps | | \$4,899.38 |
| Lake | Britt | | \$8,147.00 |
| | Richeson | | \$7,017.50 |
| Marion | Adams | | \$66,035.69 |
| | Ritchie | | \$2,686.25 |
| | Shannon | | \$30,388.78 |
| | Thompson | | \$3,348.00 |
| Spencer | Ward | | \$51,101.33 |
| Vanderburgh | McManus | | \$2,407.50 |
| TOTAL | | | \$178,095.18 |

6. The Commission approved reimbursements in non-capital cases as follows:

| COUNTY | PERIOD COVERED | TOTAL EXPENSE | ADJUS'T | ADJUS'D EXPEND. | 40% REIMB. |
|-------------|-------------------|------------------|-------------|--------------------|--------------|
| ADAMS | 07/01/02-09/30/02 | \$29,043.62 | \$1,173.42 | \$27,870.20 | \$11,148.08 |
| BENTON | 08/06/02-11/08/02 | \$11,332.03 | \$0.00 | \$11,332.03 | \$4,532.81 |
| BLACKFORD | 09/01/02-11/12/02 | \$9,275.06 | \$0.00 | \$9,275.06 | \$3,710.02 |
| CARROLL | 07/01/02-09/30/02 | \$14,138.78 | \$0.00 | \$14,138.78 | \$5,655.51 |
| CLARK | 07/01/02-09/30/02 | \$92,508.00 | \$0.00 | \$92,508.00 | \$37,003.20 |
| DECATUR | 07/01/02-09/30/02 | \$34,979.88 | \$15,391.15 | \$19,588.73 | \$7,835.49 |
| FAYETTE | 07/09/02-09/24/02 | \$30,935.80 | \$0.00 | \$30,935.80 | \$12,374.32 |
| FLOYD | 07/01/02-09/30/02 | \$89,646.56 | \$0.00 | \$89,646.56 | \$35,858.62 |
| FOUNTAIN | 07/01/02-09/30/02 | \$14,945.11 | \$3,885.73 | \$11,059.38 | \$4,423.75 |
| FULTON | 07/01/02-09/30/02 | \$20,691.67 | \$0.00 | \$20,691.67 | \$8,276.67 |
| GREENE | 07/01/02-09/30/02 | \$47,914.14 | \$0.00 | \$47,914.14 | \$19,165.66 |
| HANCOCK | 07/01/02-09/30/02 | \$92,479.26 | \$0.00 | \$92,479.26 | \$36,991.70 |
| HENRY | 07/01/02-09/30/02 | \$92,826.46 | \$603.40 | \$92,223.06 | \$36,889.22 |
| JASPER | 05/14/02-09/30/02 | \$40,912.32 | \$14,728.44 | \$26,183.88 | \$10,473.55 |
| JAY | 04/01/02-06/30/02 | \$32,020.61 | \$5,866.53 | \$26,154.08 | \$10,461.63 |
| JAY | 07/01/02-09/30/02 | \$39,510.50 | \$4,751.33 | \$34,759.17 | \$13,903.67 |
| JENNINGS | 07/01/02-09/30/02 | \$17,749.95 | \$0.00 | \$17,749.95 | \$7,099.98 |
| KNOX | 07/01/02-09/30/02 | \$63,074.15 | \$1,820.45 | \$61,253.70 | \$24,501.48 |
| KOSCIUSKO | 07/01/02-09/30/02 | \$47,526.50 | \$0.00 | \$47,526.50 | \$19,010.60 |
| LAKE | 07/01/02-09/30/02 | \$664,267.46 | \$0.00 | \$664,267.46 | \$265,706.98 |
| LAPORTE | 07/01/02-09/30/02 | \$87,638.67 | \$0.00 | \$87,638.67 | \$35,055.47 |
| MADISON | 07/01/02-09/30/02 | \$372,916.13 | \$0.00 | \$372,916.13 | \$149,166.45 |
| MARION | 07/01/02-09/30/02 | \$1,464,694.18 | \$0.00 | \$1,464,694.18 | \$585,877.67 |
| MIAMI | 07/01/02-09/30/02 | \$80,354.40 | \$0.00 | \$80,354.40 | \$32,141.76 |
| MONROE | 07/01/02-09/30/02 | \$140,324.00 | \$0.00 | \$140,324.00 | \$56,129.60 |
| MONTGOMERY | 07/01/02-09/30/02 | \$39,102.96 | \$39,102.96 | \$0.00 | \$0.00 |
| NOBLE | 07/01/02-09/30/02 | \$47,736.44 | \$0.00 | \$47,736.44 | \$19,094.58 |
| OHIO | 07/02/02-09/30/02 | \$5,197.50 | \$0.00 | \$5,197.50 | \$2,079.00 |
| ORANGE | 07/01/02-09/30/02 | \$14,839.47 | \$686.95 | \$14,152.52 | \$5,661.01 |
| PARKE | 07/01/02-09/30/02 | \$13,049.63 | \$0.00 | \$13,049.63 | \$5,219.85 |
| PERRY | 09/01/02-11/04/02 | \$27,732.99 | \$607.97 | \$27,125.02 | \$10,850.01 |
| PULASKI | 07/01/02-09/30/02 | \$31,378.12 | \$7,224.44 | \$24,153.68 | \$9,661.47 |
| RUSH | 07/01/02-09/30/02 | \$33,622.66 | \$11,196.35 | \$22,426.31 | \$8,970.52 |
| SCOTT | 08/13/02-11/11/02 | \$44,636.40 | \$12,944.56 | \$31,691.84 | \$12,676.74 |
| SHELBY | 08/01/02-10/31/02 | \$50,661.50 | \$0.00 | \$50,661.50 | \$20,264.60 |
| SPENCER | 08/06/02-10/22/02 | \$11,124.30 | \$0.00 | \$11,124.30 | \$4,449.72 |
| STEUBEN | 07/01/02-09/30/02 | \$52,013.46 | \$10,922.83 | \$41,090.63 | \$16,436.25 |
| SULLIVAN | 07/20/02-10/22/02 | \$15,490.60 | \$0.00 | \$15,490.60 | \$6,196.24 |
| SWITZERLAND | 07/01/02-09/30/02 | \$15,973.28 | \$18.00 | \$15,955.28 | \$6,382.11 |
| UNION* | 01/01/02-08/30/02 | \$6,473.90 | \$0.00 | \$6,473.90 | \$2,589.56 |

| | | | | | |
|--------------|-------------------|-----------------------|---------------------|-----------------------|-----------------------|
| VANDERBURGH | 07/01/02-09/30/02 | \$310,725.27 | \$0.00 | \$310,725.27 | \$124,290.11 |
| VERMILLION | 07/01/02-09/30/02 | \$12,076.24 | \$0.00 | \$12,076.24 | \$4,830.50 |
| VIGO | 07/01/02-09/30/02 | \$254,703.75 | \$33,111.49 | \$221,592.26 | \$88,636.90 |
| WASHINGTON | 07/01/02-09/30/02 | \$35,167.93 | \$7,385.27 | \$27,782.66 | \$11,113.06 |
| WHITE | 07/01/02-09/30/02 | \$10,919.12 | \$0.00 | \$10,919.12 | \$4,367.65 |
| TOTAL | | \$4,664,330.76 | \$171,421.27 | \$4,492,909.49 | \$1,797,163.77 |

The claim from Montgomery County was tabled to give the County the opportunity to correct possible errors in caseload numbers. It was also suggested that a standard reporting form be developed to make the numbers more usable.

7. The Commission then discussed a draft of the annual report. It was determined that in addition to the normal recipients; the Commission should send the report to all members of the General Assembly.
8. The issue of caseload standards in juvenile cases was the next topic discussed. Larry Landis reported that his survey and research revealed unreliable data. The consensus, however, was that the caseloads for JD cases was probably too low. On the other hand, the caseloads for CHINS and JT cases were determined to be too high. Mr. Landis suggested that the Commission raise the JD standard to 300. Without any data, Chairman Lefstein questioned if this was the correct number. Mr. Landis reported that the current 200 case standard is generally acceptable to the public defender community, but that it is unworkable in Marion County.

This discussion lead to a consideration of the Commission's phase-in policy and just when Marion County would be required to comply with juvenile caseload standards. Chairman Lefstein suggested that a dialogue needed to be opened between the Commission and Marion County so that progress on this issue could occur.

9. The Commission next considered the issue of substituting judicial experience for actual practice in determining eligibility to handle cases. Chairman Lefstein professed his concern regarding establishing an objective standard that did not permit a review of each applicant. Rep. Foley felt that any standard should be flexible so that the particular circumstances presented could be weighed. Mr. Duvall and Ms. Foster echoed this sentiment. The Commission decided to table the proposed objective standard and to redraft a more subjective standard taking into account the totality of the applicant's judicial experience.

The Commission scheduled its next two meeting. The Commission will next meet on February 26, 2003, at 3:00 p.m. in Room 1071, South Tower, National City Center, Indianapolis, Indiana. The following meeting will be June 4, 2003, at the same time and place.

Norman Lefstein, Chairman

Date